

TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

Board of Selectmen Meeting Minutes

Monday, August 27, 2012 at 6:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectwoman Karyn Puleo, Selectman Rick Reault, Selectman Robert Jackson, Selectman Corliss Lambert.

Members Absent: Selectman Allen Curseaden

Staff Present: Town Administrator Michael Gilleberto, Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

The Vice-Chairman announced the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall".

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Vice-Chairman acting as Chairman called the meeting to order. The Pledge of Allegiance was recited. Selectwoman Puleo received a request by Selectman Jackson to use remote participation. The following disclosure was read: Selectman Robert Jackson has requested to participate remotely, pursuant to MGL Chapter 30A Section 20d and 940 CMR 29,10 which regulate remote participation. The law as adopted by this Board on August 13, 2012. As the individual who will chair this meeting, I have approved this request. Selectman Jackson will be participating pursuant to existing state law and regulations, although a local policy not yet in effect will be discussed this evening. All votes will be taken by roll call vote. For the Executive Session portion of tonight's meeting. Selectman Jackson will be required to state that no other person is present or able to hear the discussions on his end of the line. Materials were provided to Selectman Jackson in advance of this meeting. The Board introduced themselves. The Agenda was read by Selectman Reault, Clerk of the Board.

2. Old Business

A. Remote Participation - Review/Approve Town Policy

The Board at the meeting of August 13, 2012 asked Selectman Lambert to review the Remote Participation Policy proposed by Town Counsel. Selectman Lambert reviewed and in co-ordination with the Town Administrator modified the policy to limit participation by land line using a speaker phone that is audible in the room. The only omission were the additional ways stated by Town Counsel, we do not currently have the means to participate via internet, or satellite enabled audio or video conferencing. The Board then discussed the manner in which the authorization can be obtained, using the authorization form provided or can an electronic signature be used. The CMR does not specify how to request and if the member is present then the member can state that he/she is in agreement to participate. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the policy with the following amendment on the signature page, remove draft and insert example. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Lambert, yes, Selectman Jackson, yes.

3. Citizen/Business Time - No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. Meeting Minutes Review/Approve

A. Monday August 13, 2012

The Board voted 3-0-1 on a motion by Selectman Reault, second by Selectman Lambert, to approve the minutes of Monday August 13, 2012. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Lambert, yes, Selectman Jackson, abstains.

Executive Session Minutes Review/Approve/Not Release

B. Monday August 13, 2012

The Board voted 3-0-0 on a motion by Selectman Reault, second by Selectman Lambert, to approve but not release the minutes of Monday August 13, 2012. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Lambert, yes, Selectman Jackson, abstains.

5. Old Business

A. Administration - update / review screening process

The Board has posed questions to the Administrator to be forwarded to Labor Counsel. The Board is considering options for a process to review candidates and ask if the Administrator could develop a process to review the candidates for the re-established non-union position of Assistant Town Administrator. The Administrator proposed the following: the advertising for the position is complete resumes are being accepted. Next screen resumes received and identify between five and ten candidates for preliminary interviews, conduct the interviews of the five-ten candidates, identify three finalists for a second interview and conduct the second interview, rank the finalists, conduct a final interview with the top finalist, this could be done by me or by me with a minority of the Board, for example 2 members); appoint subject to negotiation of a salary (this must approved by the entire Board) and if the top finalist does not work out, the process reverts back to "conduct a final interview with the (next) finalist" and follows the process again. The opinion from Labor Counsel was distributed to the members. The Board thanked Michael for outlining the process. The screening committee should consist of the Town Administrator and two selectmen. Selectwoman Puleo, Selectman Reault, and Selectman Lambert have expressed interest in serving on the screening committee. Selectman Jackson has no interest in serving on the committee. The Board voted 4-0-0 on a motion by Selectman Reaul, second by Selectman Lambert to move forward with the hiring process and to establish a screening committee consisting of the Town Administrator and two selectmen; the two selectmen to be named and voted on at the next Selectmen's meeting. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Lambert, yes, Selectman Jackson, yes.

B. Housing Production Plan - review comments received and upcoming schedule

The Board has received no comments. The Administrator has contacted the School Dept. on the school enrollment. Selectman Reault and the Administrator are working on setting a date, the contract will need to be extended to October 30th at which time everyone is confident the plan will be complete.

C. Pawtucket Boulevard Signage - Update

The Administrator received an update on the signage for the businesses on the Pawtucket Blvd. Mr. Brian Polley of Mass Dot has submitted a design of the proposed sign will be 6'x3' with the lettering 4"high for easier viewing. There will be signs at three locations, Southbound from Frost Road, South West at Sherburne Avenue and East Bound coming over the bridge. The sign will be installed within 30 days. The Administrator thanked Mass DOT for their assistance on the signage requested. The Board is glad to see that the businesses in town are supported.

6. New Business

A. Comcast Cable Franchise Agreement – Update

The Administrator updated the Board on the negotiations on the Comcast cable franchise. A meeting is scheduled for Thursday September 6 for an evaluation of the equipment. The School Department will be participating. Then there will be a negotiation session with the cable committee and the Administrator along with Special Counsel and the Media Director at the end of September.

B. Special Town Meeting – discuss Selectmen warrant articles

The Administrator has presented the following actions for the Annual Town Meeting: there are four items submitted by the Veterans' Agent for consideration. MGL c59 s5L – tax deferral for National Guardsmen and Reservists; MGL c50 s5N – veteran volunteer tax work-off; MGL c33 s59 – National Guardsmen and Reservists receive pay while on military leave from Town employment; and MGL c 59 s5 clause 556 – property tax abatement during service in combat zone.

Anticipated receipt of the following items: the transfer of so-called Medicaid funds from Free Cash to the School Department (estimated in the FY 2013 budget at \$75,971 but historically we have transferred the actual receipt); the School Department is having a work session on Tuesday to discuss potential submissions related to their annual operating budget.

The following are financial actions that the Board will need to propose: transfers from within the FY2013 operating budget - \$108,400 from employee benefits to the School Department to reflect collective bargaining settled after the FY2013 budget was finalized; \$10,000 from Selectmen salaries to various departments to cover costs associated with the Clerical collective bargaining agreement settled after the FY 2013 budget was finalized (additional 1%); and \$810 from Selectmen salaries to Police Department for a 2% increase to the non-union Admin Assistant to the Police Chief that was erroneously excluded from the Police Department budget (these two transactions are funded by a vacancy factor in delaying the filling of the Assistant Town Administrator position). Appropriation from Free Cash of \$25,000 to the special Compensated Absence Fund for a contractual obligation expected in FY 2012 but was deferred to FY 2013. The Administrator has met with the Interim Town Accountant and the Treasurer to discuss the close out of FY2012 and they do not anticipate Free Cash being submitted to the DOR until September 14, but anticipate a certified number before the Tri-Board meeting of September 24th. There's a possibility that a future Special Town Meeting will be required to address an increase in Unemployment Compensation and replacement staffing required for the Fire Dept. due to military leave absence. The Board may wish to consider additional financial action on three of the following items: jointly with the School Committee, appropriate \$25,000 from Free Cash for reverse 911; possible restoration of the positions of Town Planner (\$70,000) and a Highway Department laborer (\$50,000); an appropriation to the Capital Asset Stabilization fund currently the balance is \$200,000. Other – Street Acceptance and possible changes to the Bylaw; and a pending citizen's petition that was submitted for an Annual Town Meeting but was erroneously omitted, the petition asked that dumpsters be restricted to construction and remodeling. The Administrator would like some indication on how the Board would like to proceed. The Board thanked the Administrator for the long range plan the Board is in agreement and ask to add a warrant article to fund additional road acceptances at the next town meeting, the Board ask that the Administrator communicate with the Planning Board to identify the next roads to be accepted. The Board is in agreement and asks the Administrator to draft the warrant.

C. Green Communities program – review status

The Town Administrator will be meeting with the area liaison for the State Department of Energy Resources "Green Communities" program on Tuesday morning. The discussion will include the following:

- **Grant**

Re-purposing the grant funds: to utilize funding to offset the purchase of energy efficient vehicles, if the administrative portion can be utilized to offset salaries, recommendation is to use for the Assistant Town Administrator's position; and finally the use of funds to improve systems in the Town Hall and the possibility of improving energy efficiency at the Police Department.

Reporting requirements: while submitting reports, they have not always complied with the DOER's format, the Administrator intends to discuss on how best to address it.

Net metering: private parties have approached many towns, including Tyngsborough, regarding so-called "net-metering" agreements designed to increase reliance on green energy. In Tyngsborough, we have a potential development to occur at Westford Road and eagerly await its start. The Administrator will secure additional information as to how other communities have handled this issue.

Streetlights: July 1 was the target date for streetlight acquisition, but has been delayed to evaluate the transitioning to LED streetlights prior to acquiring.

- **Electric Charging Stations – site locations**

Electric vehicle charging stations: The Administrator will seek guidance from DOER on this matter, per previous Board discussion. The Administrator did receive correspondence asking when the additional charging stations would be installed, he will follow up once he has spoken with the Representative. The Administrator is seeking DOER guidance prior to making a decision.

- **Energy and Environmental Affairs Committee**

7. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

8. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Clerk read the list of correspondence received. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the correspondence as read. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Lambert, yes, Selectman Jackson, yes. The Administrator brought forward 4 items: the request from the Recreation Department on their use of the Littlefield Library Building for their Festival of Trees. The Administrator will forward the request to the Historical Commission for comment. The Council on Aging Director has put together an extensive report on the service center's many activities. The Director did a nice job on putting the report together. The Sewer Administrator has put together the survey for comment on the Sunset Park proposed sewer line. The Town Treasurer has received an offer from the Digital Credit Union. They would like to come to the offices and speak with the employees about some of the more popular offering of services to the town employee. The Board has no objections allowing DCU to speak to the employees.

9. Review of Weekly Warrants

The Town Administrator read into the minutes the following weekly warrants. Warrant # 8B for \$26,149.66 on 8/20/2012; and Warrant #9P for \$332,774.97 on 8/27/2012; Warrant #9S for \$217,970.89 on 8/27/2012; Warrant #9B for \$937,531.556 on 8/27/2012.

10. Town Administrator's Reports

- **Response to Selectmen's Requests**

There is a memorandum submitted to the Board of Health regarding mosquito control, a copy of the response is in correspondence, and a memorandum issued to the boards, depts. and committees regarding the Board's actions concerning remote participation. The Administrator will respond to the resident who was inquiring about the Town's participation in the mosquito control.

- **Budget**

The FY 2012 closeout continues, Free Cash is anticipated to be known on or before September 14th and certified no later than September 24th. Because of a reporting requirement for the Housing

Authority, we will need to change the way their costs for fuel are assessed, a copy of the new protocol is attached. The THA is in agreement with the new protocol, Selectman Lambert declares that he is a member of the THA. The Board asks the Administrator to seek a written agreement from the THA stating that the protocol is acceptable.

- Departmental Information

A copy of a draft of a letter to be sent to the Massachusetts School Building Authority regarding funds for the Lakeview School roof project, the Administrator will draft a letter and send to the MSBA that there are no changes; also a copy of the appointment letter for the Interim Director of Veterans' Services.

- Contracting/Procurement

The Chestnut and Groton Road resurfacing project bids have been opened and after consultation with Town Counsel the contract will be awarded to Aggregate Industries, the contract will be available for approval at the next meeting. A question about the road preparation before the paving, the Administrator will contact the Highway Forman and will ask about the preparation process.

- Other

There is correspondence with MassDOT regarding the media for the bridge opening, which is expected to occur Wednesday or Thursday, and the official ribbon cutting ceremony will be further into the Fall, the update on the COA LRTA bus service expansion, Mr. O'Connor, Selectmen's Representative to the LRTA met with the LRTA Representative Mr. Bardley, COA Director and the Town Administrator to discuss additional services for the seniors, there will be ten more hours of service added using funds assessed the Town for the MBTA, since we do not utilize the MBTA the funds assessed will go to the LRTA for the additional service, the service will start on October 1st. The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to ask the Administrator to draft a thank you letter to Mr. O'Connor for his helping the seniors. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Lambert, yes, Selectman Jackson, yes. There was correspondence from a resident regarding the spelling of the Town name, the Administrator responded to the resident letter attached. Mr. Trearchis is soliciting bids from vendors to clean the air inside of the Winslow School the intention is to address the dust/mold/and the general environmental conditions, the cost is estimated at \$2,900 no items will be removed at this time, he is also evaluating the ventilation of the air in the building. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to proceed with the cleaning of the Winslow School Building for \$2,900.00. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Lambert, yes, Selectman Jackson, yes. Discussion: Selectman Lambert would like to see the carpet removed. Selectman Reault spoke to Mr. Trearchis about requesting bids to remove the carpet from the empty rooms. Selectman Jackson supports the removal of the carpets. National Grid submitted a chart detailing the outages for the weekend of the 4th and 5th. Selectman Reault asks if the chart submitted could be posted. The Board supports the posting of the chart. The Board of Health's has submitted an application for funds to help increase the recycling in town. The Board of Health will receive the funds and while staying out of policy making, the recycling committee will use the funds to place additional ads with the hope of promoting the increase use of recycling. The Board asked what the responsibility of the haulers when they see overloaded trailers specifically with recyclable items. The Administrator received word from Mr. Gray at Mass DOT about the vacant house at 11 Indian Lane. Mr. Gray apprised the Administrator that the Highway Division appraisers estimate the fair market value of the property between \$125,000 and \$150,000. Mr. Gary advised that the appropriate next step would be submitting a letter to affirming the Town's interest. The Board reviewed the proposed letter and the Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to send the proposed letter to Mass DOT with the amendment of \$0 dollars, and to solicit written comment from the Tyngsborough Housing Authority. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Lambert, yes, Selectman Jackson, yes.

11. Selectmen's Reports

Selectman Jackson thanked the Board for allowing him to use the remote participation allowing him to participate in the meeting. Thanked everyone for all the well wishes and will be back during the next meeting. Selectman Reault and Selectwoman Puleo have no reports this evening. Selectman Lambert is looking forward to Bob's return and wishes all the residents a pleasant end to summer and to terminate the summer safely.

12. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

A. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body

The Board voted on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, and to return to open session only to adjourn. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Jackson, yes, Selectman Lambert.

The Board entered into executive session at 7:55 P.M.

1. Adjournment

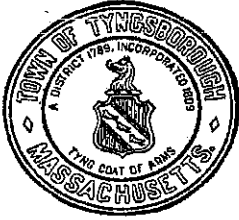
The Board exited executive session at 9:50 P.M.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting. The meeting adjourned at 9:50 PM.

Respectfully Submitted by

Therese Gay
Admin Assistant

Approved on Monday, September 10, 2012



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Board of Selectmen Meeting Notice

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1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

2. Old Business

A. Remote Participation – Review/Approve Town Policy

3. Citizen/Business Time

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4. Meeting Minutes Review/Approve

A. Monday August 13, 2012

Executive Session Minutes Review/Approve/Not Release

B. Monday August 13, 2012

5. Old Business

A. Administration – update / review screening process

B. Housing Production Plan – review comments received and upcoming schedule

C. Pawtucket Boulevard Signage – Update

6. New Business

A. Comcast Cable Franchise Agreement – Update

B. Special Town Meeting – discuss Selectmen warrant articles

C. Green Communities program – review status

- Grant
- Electric Charging Stations – site locations
- Energy and Environmental Affairs Committee

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9. Review of Weekly Warrants

10. Town Administrator's Reports

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

11. Selectmen's Reports

12. Executive Session (if needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- A. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body**

13. Adjournment

Future Meetings

**** Town Offices will be closed Monday September 3, 2012 in Observance of Labor Day Holiday****

Monday, September 10, 2012 at 6:00 PM at the Town Offices

Monday, September 24, 2012 at 6:00 PM at the Town Offices

Board of Selectmen Correspondence - Week of August 13 - 24, 2012

Date	Author	Subject	In Packet?
8/24/2012	Con Comm	Meeting Notice	8/24/2012
8/23/2012	Recreation Committee	Blood Drive Notice	8/24/2012
8/23/2012	Great Lowell health Alliance	Meeting Notice	8/24/2012
8/23/2012	Great Lowell Municipal Leader Forum	Notice	8/24/2012
8/22/2012	Lowell Chamber of Commerce	Expo Notice	8/24/2012
8/21/2012	Manning Family	Thank you Note	8/24/2012
8/15/2012	Recreation Dept	Festival of Trees Notice	8/24/2012
8/13/2012	ABCC	Decision Notice	8/24/2012
8/13/2012	Town Counsel	Information	8/24/2012
8/13/2012	Town Counsel	Information	8/24/2012
8/13/2012	COA	Annual Report	8/24/2012
8/8/2012	Sewer Comm	Information	8/24/2012
8/13/2012	Mass Dept of Revenue	Information	8/24/2012
8/13/2012	Dept of Telecommunications	Information	8/24/2012
8/23/2012	TPD	Information	8/24/2012
8/23/2012	COA	NewsLetter	8/24/2012
8/24/2012	ABCC	Approval	8/24/2012
8/24/2012	National Grid	Information	8/24/2012
8/23/2012	Treasurer Office	Information	8/24/2012
8/23/2012	Planning Board	Request for Comment	8/24/2012
8/23/2012	Digital Federal Credit Union	Information	8/24/2012
8/23/2012	School Comm	Minutes	8/24/2012
8/22/2012	Town Counsel	Information	8/24/2012
8/21/2012	Attorney General's Office	Decision Notice	8/24/2012
8/13/2012	MBTA	Advisory	8/24/2012
8/13/2012	Visiting Angels	Information	8/24/2012
8/13/2012	Umass Lowell	NewsLetter	8/24/2012